

JAN 17 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES H. SANDERS,

Petitioner - Appellant,

v.

G.E. TRAMMEL,

Respondent - Appellee.

No. 05-15463

D.C. No. CV-01-00259-KJD

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN and SILVERMAN, Circuit Judges.

James H. Sanders appeals pro se from the district court's denial of his motion for an extension of time to file a notice of appeal from a judgment

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissing his 28 U.S.C. § 2241 petition. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Sanders's motion for an extension of time for filing a notice of appeal was filed almost three years after his petition was dismissed. The district court had no discretion to grant Sanders's motion because it was not filed within 180 days after judgment was entered. *See* Fed. R. App. P. 4(a)(6); *In re Stein*, 197 F.3d 421, 426 (9th Cir. 2000).

AFFIRMED.